

2nd Revised Application Received 08.27.2020
 3rd Revised Application Received 02.17.2021
 4th Revision Received 12.14.2021
 5th Revision Received 02.02.2022

Complete 02.10.2022

EXPERIMENTAL LEASE APPLICATION

1. APPLICANT CONTACT INFORMATION

Applicant	Timothy Bennett / Adam Simmons
Contact Person	Tim Bennett
Address	2903 Friendship Rd
City	Waldoboro
State, Zip	Maine 04572
County	Lincoln
Telephone	Tim 207-664-3635 Adam 207-790-3510
Email	tbennett102@hotmail.com

Note: If applicant is a corporation or a partnership, the "Corporate Applicant Information Document" available at: <http://www.maine.gov/dmr/aquaculture/forms/experimental.html> must also be completed.

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Waldoboro
Waterbody	Medomak River, Back river
General Description (e.g. south of B Island)	North of Haystack Island in Back River
Lease Information	
Total acreage requested (4-acre maximum)	2.52 acres
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom) <input type="checkbox"/> Net Pen (finfish)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: If you selected yes, you need to complete the steps outlined in the section titled: "17. Landowner/Municipal Permission Requirements".

3. WATER QUALITY

Directions: Water Quality Information can be found here: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

Pollution Area (e.g. "19-A"):	26
Pollution Area Section (e.g. "B.2". or "none"):	None
Water Quality Classification (e.g. approved, restricted, etc.):	Approved

Note: If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss you plans at the following email: DMRPublicHealthDiv@maine.gov

4. GENERAL LEASE INFORMATION

A. Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock, juveniles, smolts, etc., to be cultivated:
1. Atlantic Oyster Crassostrea Virginica	Museonqu's Bay Aquaculture PO Box 204 Bremen, Maine 04551
2.	
3.	
4.	
5.	

B. Do you intend to possess, transport, or sell whole or roe-on scallops? Yes No

If you answered "yes" please contact the Bureau of Public Health to discuss you plans at the following email: DMRPublicHealthDiv@maine.gov

Note: If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2, and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: DMRPublicHealthDiv@maine.gov

5. VICINITY MAP

Note: You may embed the maps within the document, or attach the maps to the end of your application. If you attach the maps, please label them according to the instructions provided below. If you attach the map, please label it: 'Vicinity Map'.

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scalebar
- The approximate lease boundaries

6. BOUNDARY DRAWING

Note: If you attach a drawing, please label it 'Boundary Drawing'.

Directions: Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

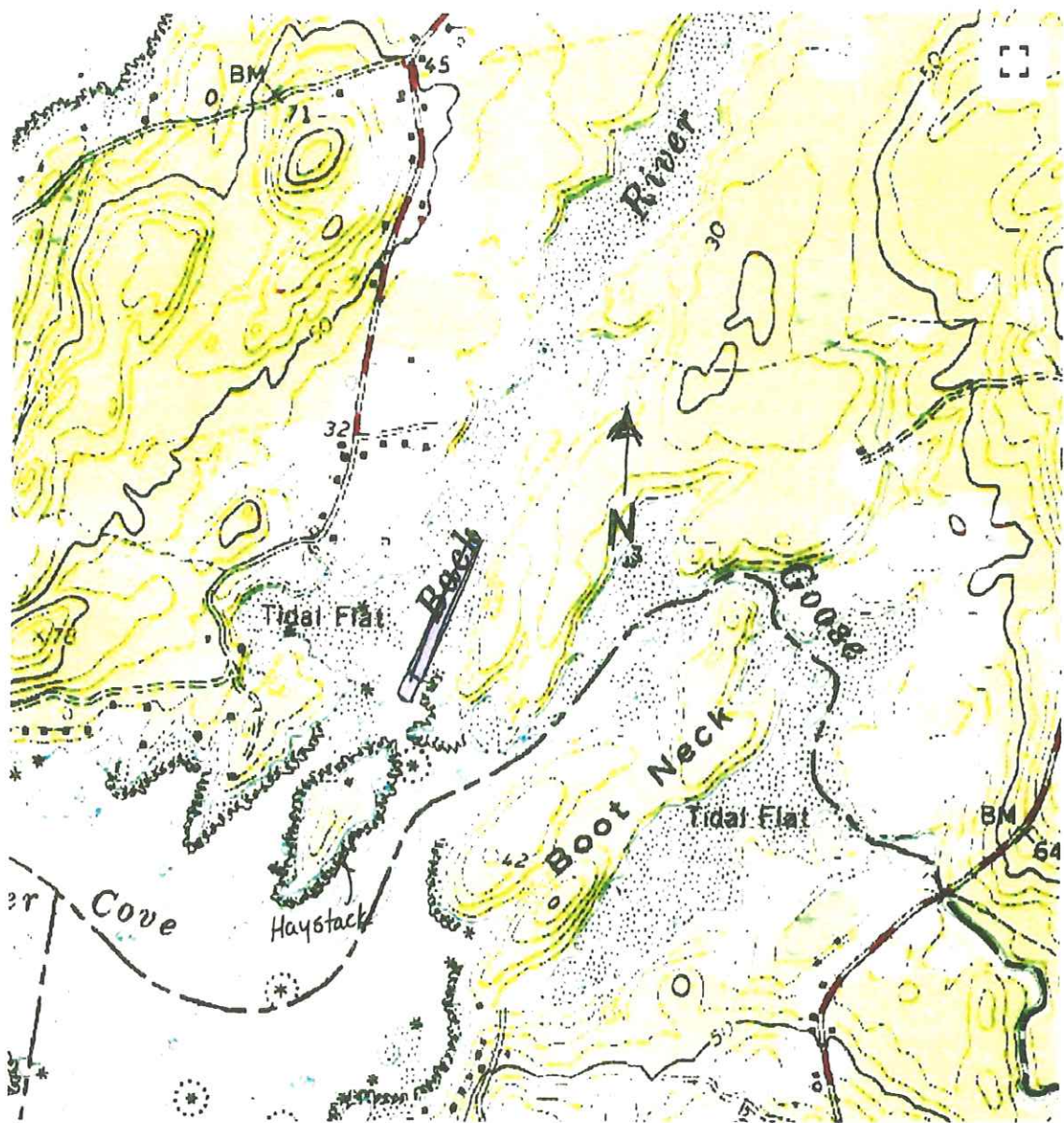
- Coordinate Description
Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.

Boudary Drawing From Navionics App



Markers

- #1 - $44^{\circ} 1,002' N$
 $69^{\circ} 21,252' W$
- #2 $44^{\circ} 1,014' N$
 $69^{\circ} 21,288' W$
- #3 $44^{\circ} 1,121' N$
 $69^{\circ} 21,193' W$
- #4 $44^{\circ} 1,130' N$
 $69^{\circ} 21,224' W$

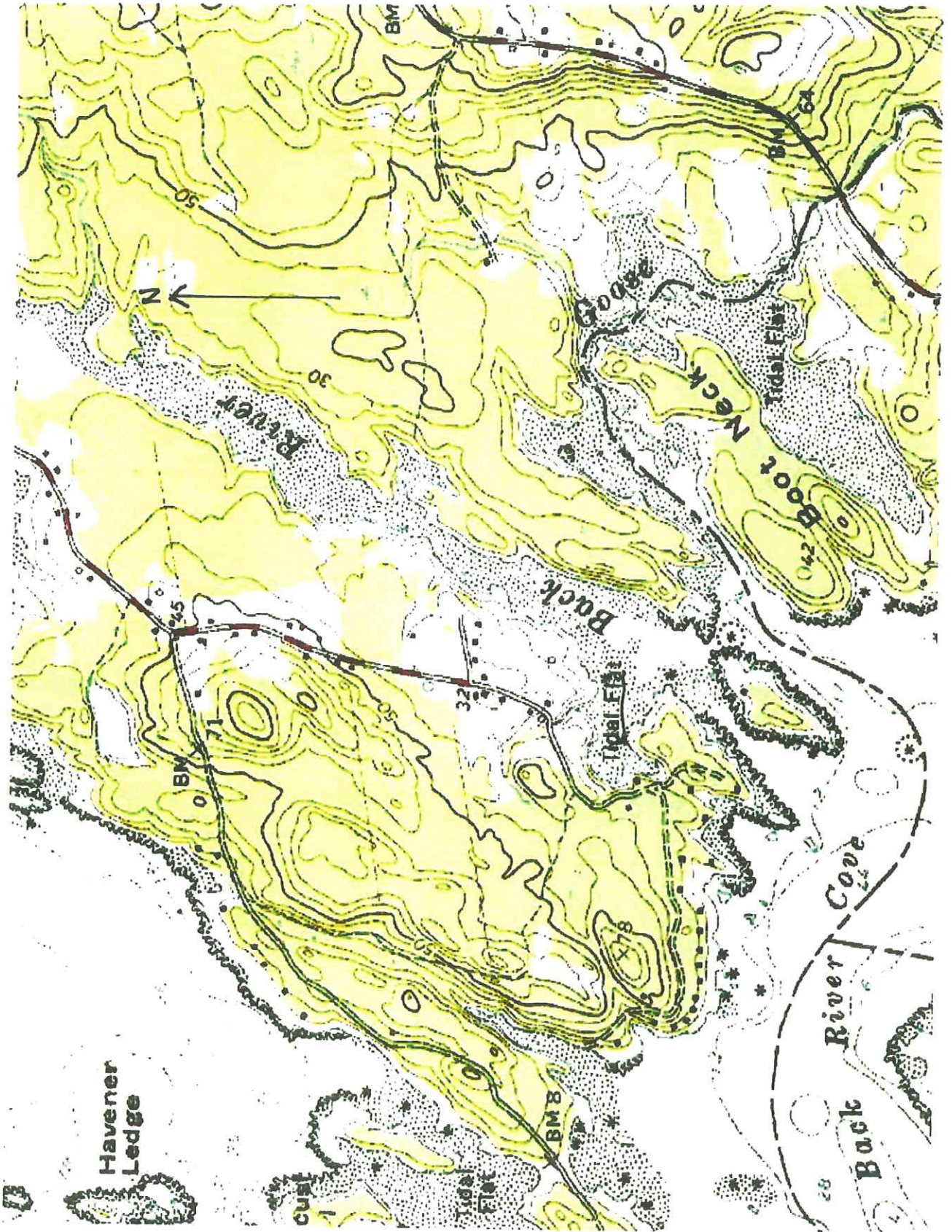


Google

200 m

Map provided by TopoZone.com

Vicinity Map



Notes



7. RESEARCH PROGRAM AND OPERATIONS

Directions: If you are cultivating more than one species, you will need to provide information for each species. Please attach a separate page if needed.

A. Type of study (check one): Scientific Research Commercial Research

Please note:

a) Scientific research is not kept confidential.

b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.

B. What is the purpose of the study? If scientific, please include a detailed study design.

Viability of the Back River to support oyster growing.

C. Describe the general culture process for each species proposed.

Oysters will be grown in surface bags during the majority of the year. Wintering over will be in bottom cages.

D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?

Seeding in spring, tending through out the Spring, summer, and fall. Harvesting as necessary.

E. How often will you be at the site during seeding and harvesting periods?

twice a week

F. How frequently will you visit/tend the site for routine maintenance (i.e. flipping cages, etc.)?

twice a week - Spring to Fall

G. Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

harvesting from bags

H. Describe any overwintering or "off season" plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if moved from the site.

Oysters will be removed from bags and put into cages on bottom to overwinter.

Bird deterrent plan: We will be submerging the bags for two weeks prior to harvest on site (water depth is sufficient to do so on site). For birds we plan to use zips and a couple plastic owls.

I. What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?

① Open skiff 18' with outboard and hydraulic hooker
 ② open skiff 14' with outboard.

Possibly using rotary tumbler/sorter if we can find one cheap enough, (or build one)

J. What is the maximum amount of gear that will be deployed on the site (i.e. 200 cages, 100 lantern nets, etc.)?

Max 1200 Bags, we are not planning to start with this amount, more likely 500

K. What is the maximum number (or biomass) of organisms you anticipate being on the site?

100,000 Max

8. EXISTING USES

Directions: Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year the activity occurs c) frequency, and d) proximity to the lease site.

1. Commercial Fishing

NONE

2. Recreational Fishing
(Over →) please.
3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water).
There is no navigable channel, the area is considered flats, limited access to small (<20ft) vessels, and above the lease, only at high tide can you get all the way in.
4. Riparian Ingress/Egress
The vessels coming in and out of the river are generally less than 20ft, shallow draft only.
5. Other uses (kayaking, swimming, etc.)
There are some kayakers, and swimmers, but they are on the opposite side of the channel.

B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from proposed lease.
There are two private docks in the vicinity. There are no moorings (too shallow) one dock is approximately 200+ ft away. the other is over 500ft away to the SW of the lease.

C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.
NONE

I have personally never witnessed any recreational fishing in the back river. I own the uppermost point and cove in the back river and travel in and out 2-3 times a week from May until October tending my rec. traps and taking my family and friends fishing lower down on the Medomak toward Hungry Island (and beyond). It is possible that an odd mackerel or striped bass might wander up the river on a high tide, but the back river is not a fishing destination, by any means. Anything ^{much} above the lease site drains out at low tide to flats.

9. CURRENT OPERATIONS

Directions: If a question does not pertain to your proposed operations, please write "not applicable" or "N/A."

A. Describe your existing aquaculture operations.

None

B. What are your plans for any existing leases and/or Limited Purposed Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or Limited Purpose Aquaculture (LPA) licenses be relinquished if the lease is granted? If so, please indicate which ones.

None

10. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

Restrict travelers (people crossing the site)
to headway speed only.

11. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

A. What are the approximate depths at mean low water?

3'-6'

B. What are the approximate depths at mean high water?

8'-12'

C. Provide the approximate current speed and direction during the ebb and flow.

North to South
1-2 kts

D. The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.

1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?

mud sand mix

2. Describe the bottom topography (flat, steep rough, etc.).

Flat

3. Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?

Some periwinkles, green crab, Not Abundant
Some clams.

4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.

There is a mussel bed to the
South west. 100 yards

5. Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.

None as of October 2019

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

Forested Rocky Shore.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes No

Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

If a project is located within an Essential Habitat, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator (John.Perry@maine.gov, phone: 207-287-5254) prior to application submission.

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

Yes No

Note: If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. **The video must be filmed between April 1 and November 15.** If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP's Wastewater Licensing Program (Gregg.wood@maine.gov, 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

12. STRUCTURES *(if applicable)*

If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit an **Overhead View** and **Cross-Section View** of your gear plans. It is important to note that, unlike Limited Purpose Aquaculture (LPA) Licenses, experimental and standard leases require that all gear, including moorings, must be located within the proposed lease boundaries.

Note: You may embed the gear plans, or attach them to the end of your application. If you attach the plans, please label them according to the instructions provided below.

A) Overhead View (please label this "Overhead View"):

Directions: All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in)

- Show maximum layout of gear including moorings.
- Show dimensions of entire gear layout
- Show approximate spacing between gear.
- Show lease boundaries and the location of proposed markers on all drawings.

B) Cross-Section View (please label this "Cross Section View"):

Directions: The cross-section view must show the following:

- The sea bottom
- Profile of gear in cross-section as it will be deployed
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Water depth at mean high and mean low water

Note: Please include an additional Cross Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

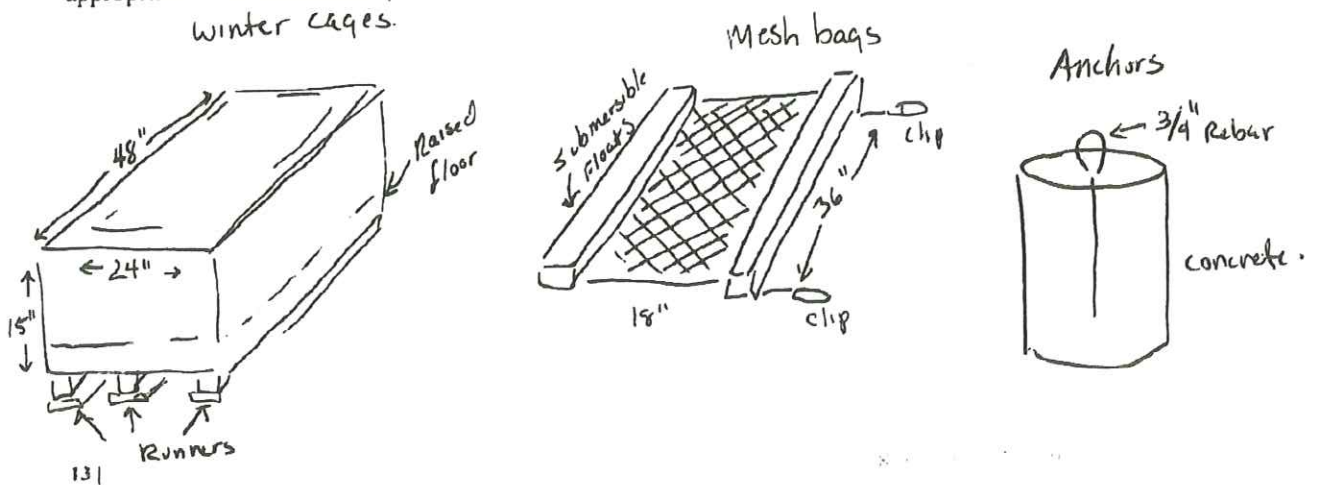
C) Gear Description

Directions: List each individual gear type that you will use in the table below.

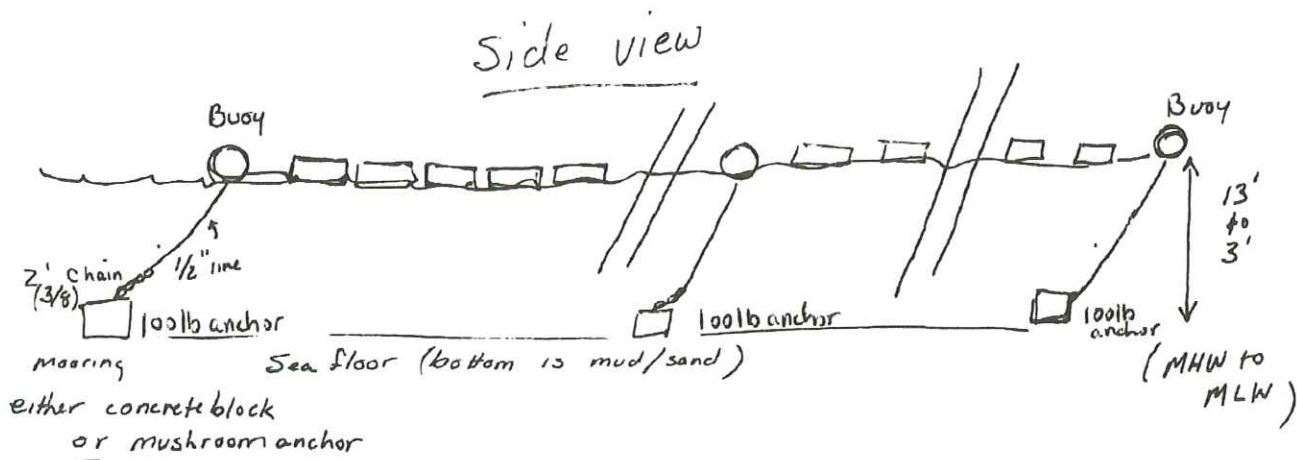
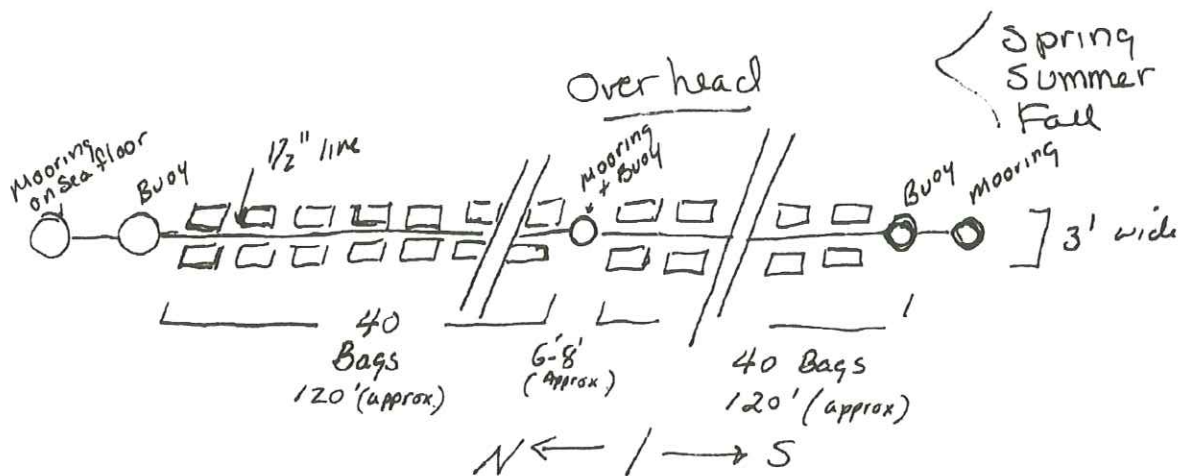
Specific Gear Type (e.g. soft mesh bag)	Dimensions (e.g. 16"x20"x2")	Time of year gear will be deployed (e.g. Spring, Winter, etc.)
Mesh bag with float	18" x 36" x 2"	All Year
bottom cages	48" x 24" x 15"	Winter
Anchors, concrete	18" high, 12" diameter	all year

D) Gear Drawing (please label this "Gear Drawing").

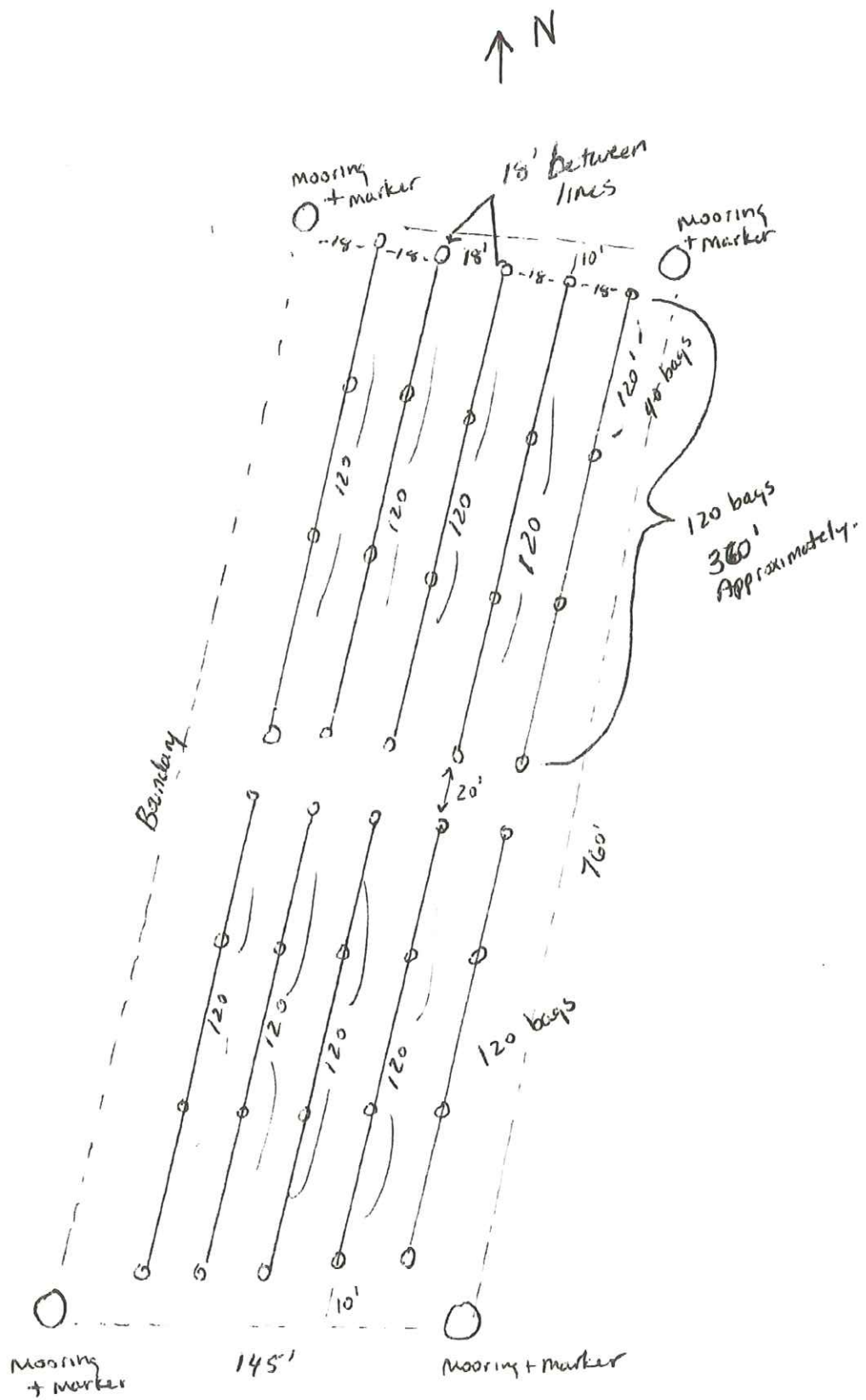
Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).



Gear Views

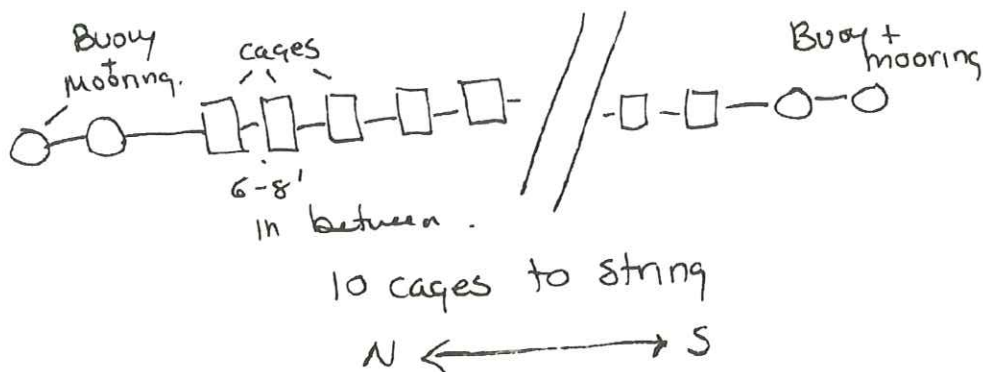


continued, over →

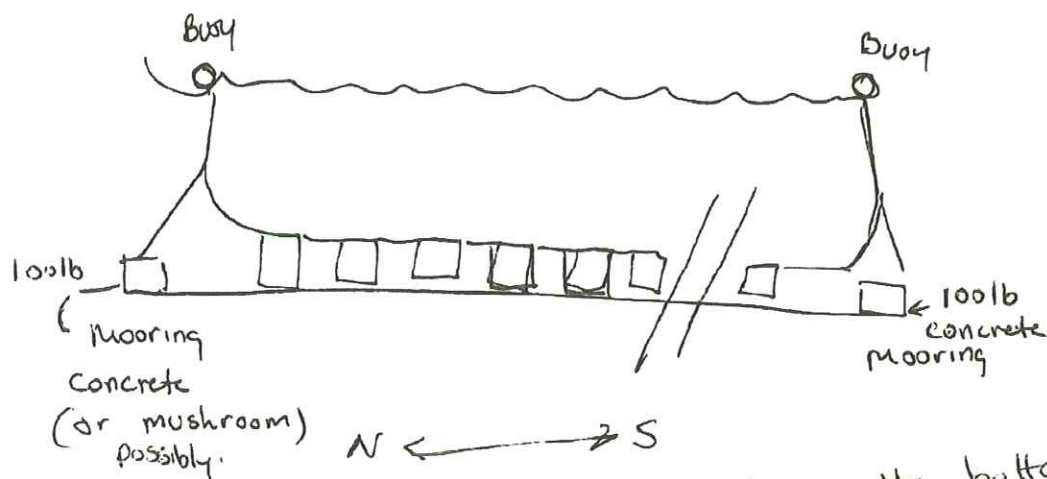


Overhead

winter



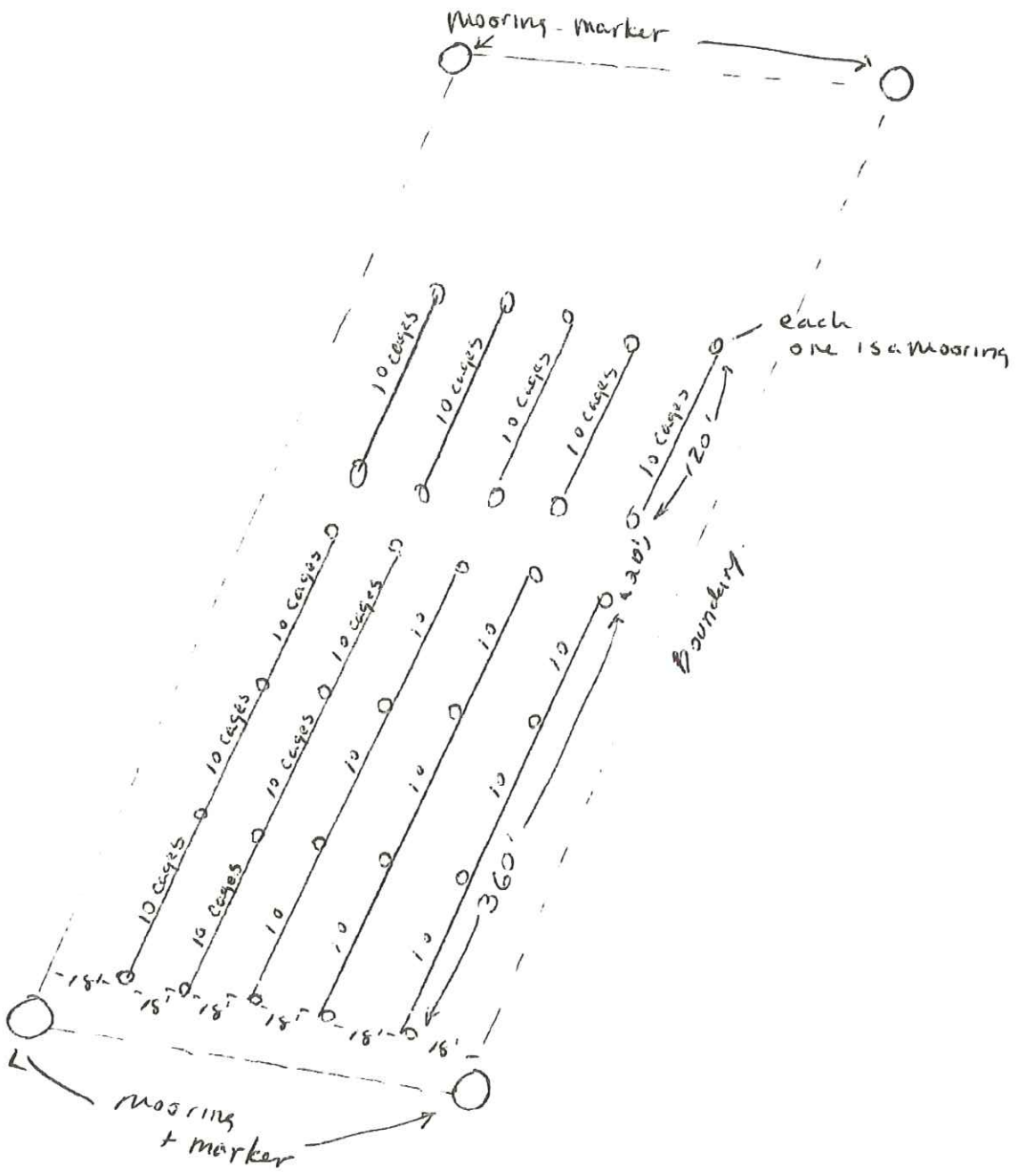
Side view



Cages are to be anchored on the bottom

2 to 1 slope on anchor lines in winter.
the area is sheltered.

(over Continued →)



13. MARKING

<p>Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If you answered no, explain why and suggest alternate markings.</p>

Note: If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1st Coast Guard District, Aids to Navigation Office.

14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
 - Label the map "Tax Map: Town of (name of town)."
 - Legible scale
 - Tax lot numbers clearly displayed
 - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list.
3. If any portion of the site is intertidal you need to complete the steps outlined in "17. Landowner/Municipal Permission Requirements".

B. Will your access to the lease area be across riparian land?

Yes No

Note: If you selected yes, you will need to complete the landowner permission requirements included in "17. Landowner/Municipal Permission Requirements" of this application.

C. How will you access the proposed site?

Personally owned property.

D. How will your proposed activities affect riparian ingress and egress?

They won't impact riparian ingress or egress



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

- RIPARIAN OWNERS LIST -

THIS LIST MUST BE CERTIFIED BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. It is the applicant's responsibility to assemble the information for the Town Clerk to certify. The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: Friendship

MAP #	LOT #	Landowner name(s) and address(es)
211	001	HENRY & MARINE LABRIE - 8 CLOVELLEN FARM RD KENNEBUNKPORT, ME 04046
211	021	UNION ST AND BAY BOG, 700 FT FRIENDSHIP LIE AVE
211	018	HOME IMPROVEMENTS, 55 FREEMAN ST, WASHINGTON, ME 04092
211	029	ANDERSON'S BROS HARDY TRACT 1000 FT FRIENDSHIP
211	020	BRONX TOLL RD BOX 202 FRIENDSHIP
211	021	KENTON & MARIE STONE 7 TANGIERS CANY FRIENDSHIP
211	022	SHIRLEY F BROWN JR LINDSEY, 144 CANTON RD WASHINGTON ME 04092

OFFICES AT 32 BLOSSOM LANE, MARQUARDT BUILDING, AUGUSTA, MAINE
<http://www.Maine.gov/dmr>

PHONE: (207) 624-6550

FAX: (207) 624-6024

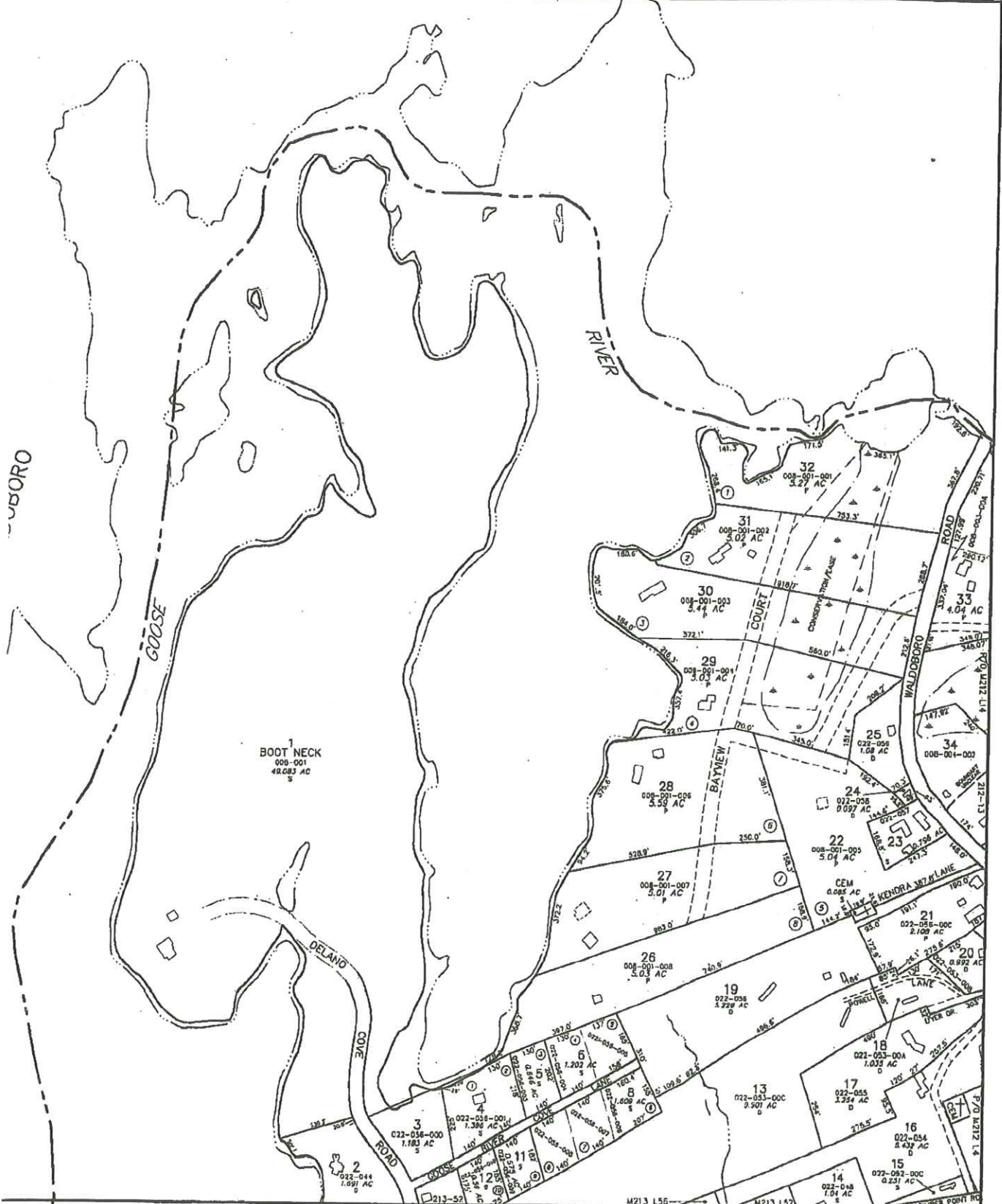
MAP #	LOT #	Landowner name(s) and address(es)

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Kathleen MacLeod, Town Clerk for the Town of Friendship, certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED: Kathy MacLeod DATE: 8-19-2020



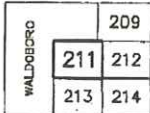
APRIL 1, 2018



SCALE 1 INCH = 200 FEET

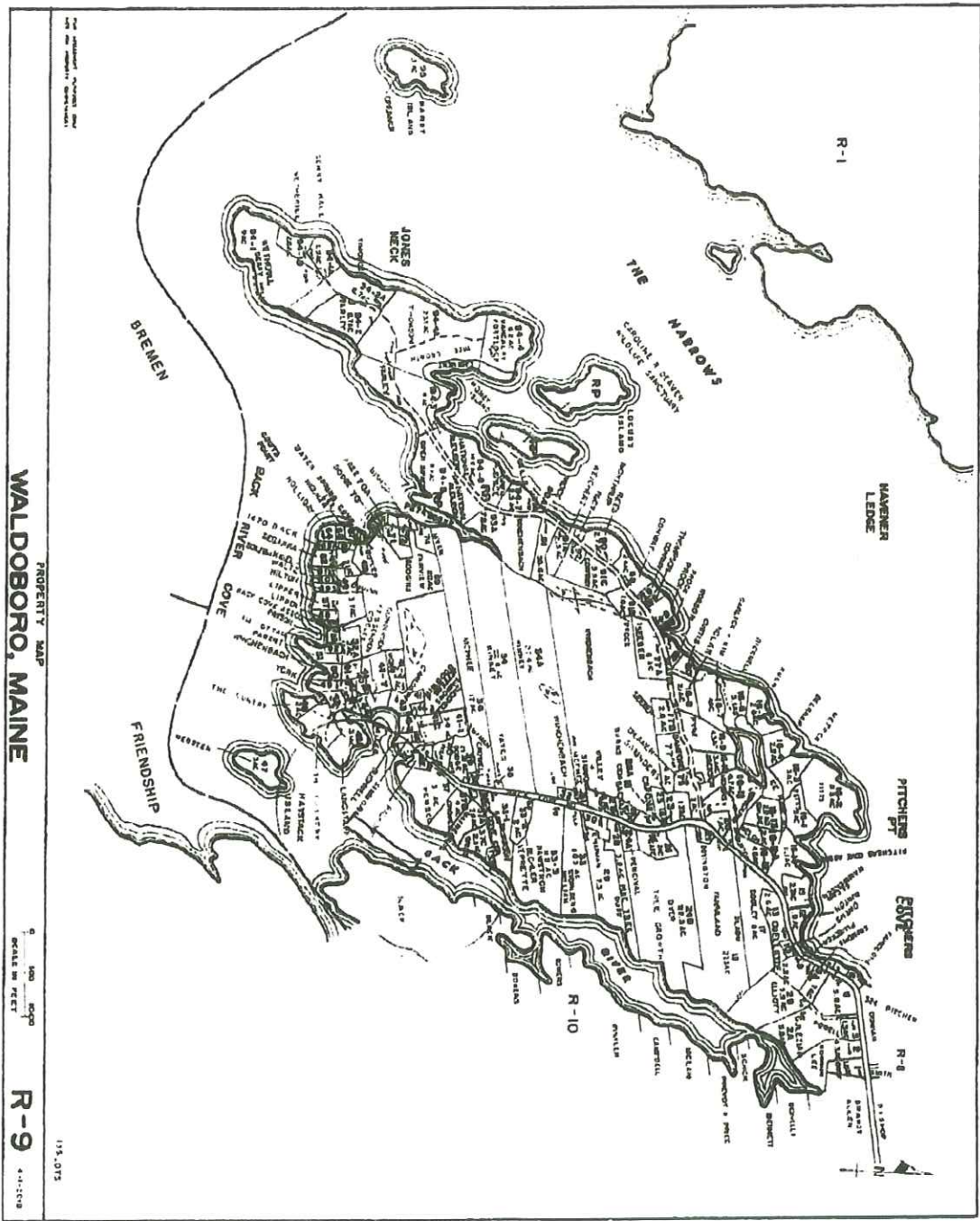
MAINE STATE PLANE COORDINATE GRID: EAST ZONE; MAD 1983, US FEET
 PHOTOGRAPHY DATE: APRIL 30, 2003
 PHOTOGRAMMETRIC COMPILATION BY AERIAL SURVEY AND PHOTO, INC.
 PARCEL MAP COMPILATION BY AERIAL SURVEY AND PHOTO, INC.

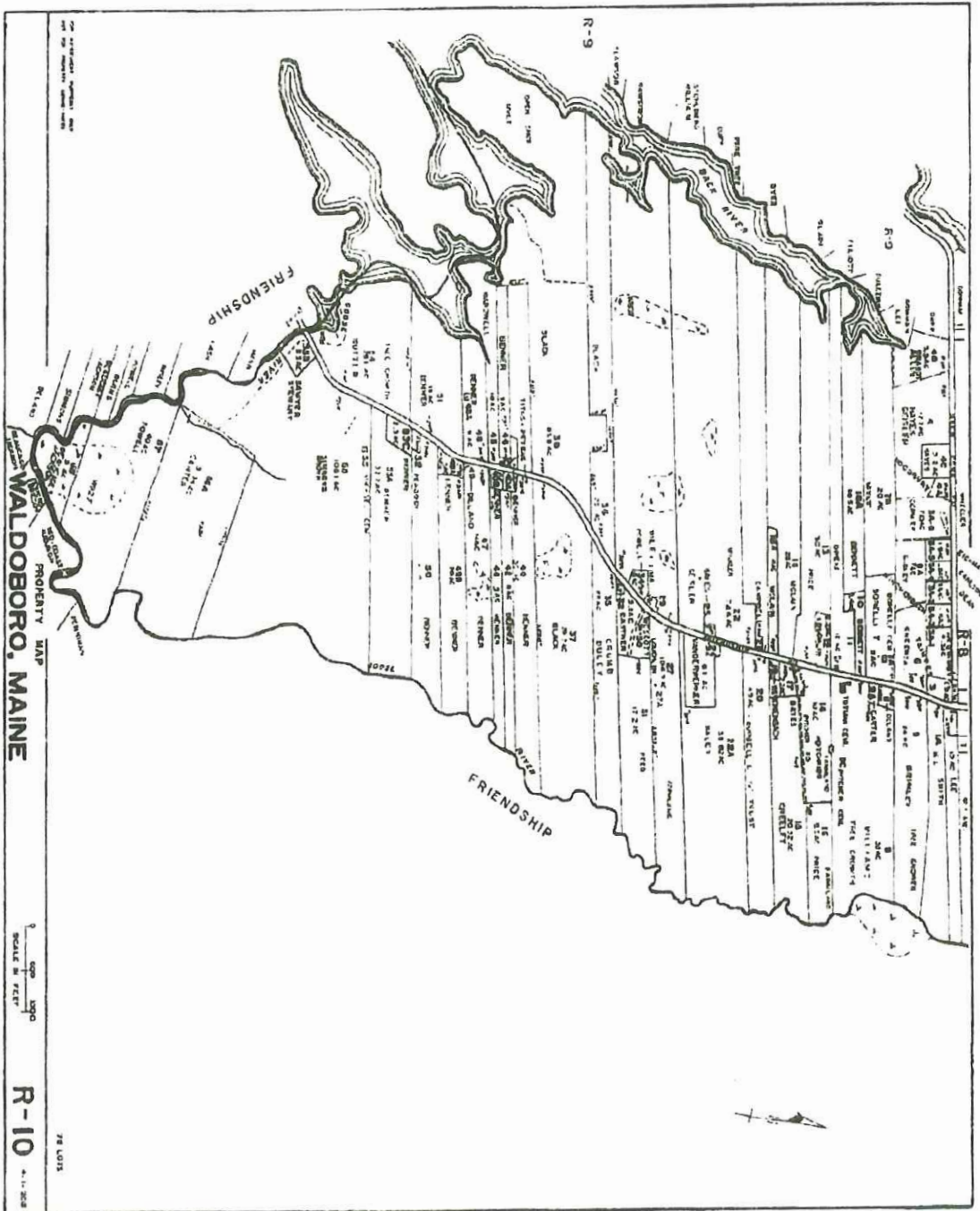
INDEX DIAGRAM



PROPERTY MAP
 TOWN OF FRIENDSHIP
 KNOX COUNTY, MAINE

211







JANET L. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK J. KECHER
COMMISSIONER

- RIPARIAN OWNERS LIST -

THIS LIST MUST BE CERTIFIED BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. It is the applicant's responsibility to assemble the information for the Town Clerk to certify. The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: Waldoboro

MAP #	LOT #	Landowner name(s) and address(es)
R-9	33-1	Edward & Virginia Slawson 1022 Back Cove Rd, Waldoboro ME 04572
R-9	37	PENSO Trust Co: Lynn Crowell Custodian 1465 Woodbury Ave PMB 102, Portsmouth NH 03801
R-9	37-A	Maine Day LLC 411 Navarre Ave, Coral Gables FL 33134
R-9	37-B	James & Lynn Crowell 1465 Woodbury Ave PMB 102, Portsmouth NH 03801
R-9	37-C	Gross Living Trust c/o Dorothy Gross Trustee 2827 Seasons Way, Annapolis MD 21401-7284
R-9	41-E	Karen Falkoff 387 Wolcott St, Newton MA 02166-1513
R-9	41-2	Bruce & Kimberly Williams PO Box 51 Centerville, MA 02632-0051
R-9	43	Joseph Carlos PO Box 1315 Waldoboro, ME 04572
R-9	41-6	<i>(3 lots all owned by Gail Fessenden)</i> Gail Fessenden 1209 Back Cove Rd, Waldoboro ME 04572
R-9	44	Clyde Blackwell 1224 Back Cove Road, Waldoboro, ME 04572
R-9	45	The Country Club Trust c/o F Insolia 50 Liberty Dr Unit 5B, Boston MA 02110

27 (+ other side)

Note: The riparian lists were checked for changes in ownership or addresses by DMR on 2.2.22. The following parcels had new addresses: Map R 9, Lots 44, 45-A, and 41-3. On 2.8.22, at DMR's request, the Town of Waldoboro reviewed the riparian list and confirmed new addresses for the lots listed above. The addresses for those parcels were updated in the riparian list by DMR staff on 2.10.22.

MAP #	LOT #	Landowner name(s) and address(es)
R-9	45A	Michele Langstaff 1228 Back Cove Road Waldoboro, ME 04572
R-9	46	The Country Club Trust c/o F Insoila 50 Liberty Dr Unit 5B, Boston MA 02110
R-9	47	Darwin & Kathleen Webster PO Box 397 Sabattus, ME 04280-0397
R-10	36, 38	Luther Black 3925 Bagley Ave, Seattle WA 98103
R-9	33A	Douglas Bechler & Christina Verrette 5 Perking St, Amesbury MA 01913
R-9	41-3	Terrece McGovern 1143 Back Cove Road Waldoboro, ME 04572

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Julie L. Keizer, Town Clerk for the Town of Waldoboro, certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED: Julie L. Keizer DATE: 8/24/20

Recertification:

Julie L. Keizer 6/11/2021
 Deputy Town Clerk
 All 3 lots in Mail Fessenden's
 name.

15. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	None
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

*DMR may increase the bond/escrow requirements for leases with more than 2,000 feet of structure.

I, (printed name of applicant) Timothy Bennett have read DMR Aquaculture Regulations 2.64(10) (D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

Timothy Bennett
 Applicant Signature
 Note: Add title if signing on behalf of a corporate applicant.

1-9-2020
 Date

ADDITIONAL APPLICANTS: Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) Adam Simmons have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

Adam B Simmons
 Applicant Signature
 Note: Add title if signing on behalf of a corporate applicant.

1/9/2020
 Date

16. APPLICANT SIGNATURE PAGE

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the experimental lease process.

Printed name: Timothy Bennett / Adam Simmons

Title (if corporate applicant):

Signature: Timothy Bennett / Adam B Simmons Date: 1-9-2020

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Note:

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.